

HOUSE BILL 1117

M3, L6
HB 1335/11 – ENV

2lr2486

By: **Delegates Hershey and Jameson**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Zoning, Construction, and Stormwater – Permits and Variances – Solar**
3 **Panels**

4 FOR the purpose of providing that, for the purposes of issuing a permit or a variance
5 relating to zoning, construction, or stormwater for a project to install a solar
6 panel, any calculation relating to the impervious surface of the project required
7 by certain State or local governing authorities may include only a certain
8 portion of the solar panel; providing for the effective date of this Act; and
9 generally relating to the calculation of impervious surfaces for the purposes of
10 issuing a permit or a variance relating to zoning, construction, or stormwater.

11 BY repealing and reenacting, with amendments,
12 Article – Land Use
13 Section 1–401 and 10–103
14 Annotated Code of Maryland
15 (As enacted by Chapter ___ (H.B. ___)(2lr0396) of the Acts of the General
16 Assembly of 2012)

17 BY adding to
18 Article – Land Use
19 Section 4–210
20 Annotated Code of Maryland
21 (As enacted by Chapter ___ (H.B. ___)(2lr0396) of the Acts of the General
22 Assembly of 2012)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Land Use**

26 1–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in this section, this division does not apply to charter
2 counties.

3 (b) The following provisions of this division apply to a charter county:

4 (1) this subtitle, including Parts II and III (Charter county –
5 Comprehensive plans);

6 (2) § 1–101(o) (Definitions – “Sensitive area”);

7 (3) § 1–201 (Visions);

8 (4) § 1–206 (Required education);

9 (5) § 1–207 (Annual report – In general);

10 (6) § 1–208 (Annual report – Measures and indicators);

11 (7) Title 1, Subtitle 3 (Consistency);

12 (8) § 4–104(b) (Limitations – Bicycle parking);

13 (9) § 4–208 (Exceptions – Maryland Accessibility Code);

14 (10) **§ 4–210 (PERMITS AND VARIANCES – SOLAR PANELS);**

15 **(11)** § 5–102(d) (Subdivision regulations – Burial sites);

16 **[(11)] (12)** Title 7, Subtitle 1 (Development Mechanisms);

17 **[(12)] (13)** Title 7, Subtitle 2 (Transfer of Development Rights);

18 **[(13)] (14)** Except in Montgomery County or Prince George’s County,
19 Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

20 **[(14)] (15)** Title 7, Subtitle 4 (Inclusionary Zoning);

21 **[(15)] (16)** § 8–401 (Conversion of overhead facilities);

22 **[(16)] (17)** For Baltimore County only, Title 9, Subtitle 3
23 (Single–County Provisions – Baltimore County);

24 **[(17)] (18)** For Howard County only, Title 9, Subtitle 13 (Single–County
25 Provisions – Howard County); and

1 [(18)] (19) Title 11, Subtitle 2 (Civil Penalty).

2 (c) This section supersedes any inconsistent provision of Division II of this
3 article.

4 **4-210.**

5 **FOR THE PURPOSES OF ISSUING A PERMIT OR VARIANCE RELATING TO**
6 **ZONING, CONSTRUCTION, OR STORMWATER FOR A PROJECT TO INSTALL A**
7 **SOLAR PANEL, ANY CALCULATION RELATING TO THE IMPERVIOUS SURFACE OF**
8 **THE PROJECT REQUIRED BY THE STATE OR LOCAL GOVERNING AUTHORITY**
9 **ISSUING THE PERMIT OR VARIANCE MAY INCLUDE ONLY THE BASE OF THE**
10 **SOLAR PANEL.**

11 10-103.

12 (a) Except as provided in this section, this division does not apply to
13 Baltimore City.

14 (b) The following provisions of this division apply to Baltimore City:

15 (1) this title;

16 (2) § 1-101(m) (Definitions – “Priority funding area”);

17 (3) § 1-101(o) (Definitions – “Sensitive area”);

18 (4) § 1-201 (Visions);

19 (5) § 1-206 (Required education);

20 (6) § 1-207 (Annual report – In general);

21 (7) § 1-208 (Annual report – Measures and indicators);

22 (8) Title 1, Subtitle 3 (Consistency);

23 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
24 Comprehensive Plans; Implementation);

25 (10) § 4-104(b) (Limitations – Bicycle parking);

26 (11) § 4-205 (Administrative adjustments);

27 (12) § 4-207 (Exceptions – Maryland Accessibility Code);

- 1 (13) **§ 4-210 (PERMITS AND VARIANCES – SOLAR PANELS);**
- 2 **(14) § 5-201(d)** (Subdivision regulations – Burial sites);
- 3 ~~[(14)]~~ **(15)** Title 7, Subtitle 1 (Development Mechanisms);
- 4 ~~[(15)]~~ **(16)** Title 7, Subtitle 2 (Transfer of Development Rights);
- 5 ~~[(16)]~~ **(17)** Title 7, Subtitle 3 (Development Rights and Responsibilities
- 6 Agreements);
- 7 ~~[(17)]~~ **(18)** Title 7, Subtitle 4 (Inclusionary Zoning); and
- 8 ~~[(18)]~~ **(19)** Title 11, Subtitle 2 (Civil Penalty).

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

10 October 1, 2012, the effective date of Chapter ____ (H.B. ____)(2lr0396) of the Acts of

11 the General Assembly of 2012. If the effective date of Chapter ____ is amended, this

12 Act shall take effect on the taking effect of Chapter ____.